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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE: CATHODE RAY TUBE (CRT)  
ANTITRUST LITIGATION

Case No. 07-5944 SC  
MDL No. 1917

This Document Relates to:

*Alfred H. Siegel, as Trustee of the Circuit City  
Stores, Inc. Liquidating Trust v. Hitachi, Ltd.,  
et al.*, No. 11-cv-05502;

*CompuCom Systems, Inc. v. Hitachi, Ltd., et  
al.*, No. 11-cv-06396;

*Costco Wholesale Corporation v. Hitachi,  
Ltd., et al.*, No. 11-cv-06397;

*Dell Inc. and Dell Products L.P., v. Hitachi,  
Ltd., et al.*, No. 13-cv-02171;

**DECLARATION OF HELEN C. ECKERT  
IN SUPPORT OF SDI DEFENDANTS'  
ADMINISTRATIVE MOTION TO SEAL  
PURSUANT TO CIVIL LOCAL RULES 7-  
11 AND 79-5**

1 *Electrograph Systems, Inc. and Electrograph*  
2 *Technologies Corp., v. Hitachi, Ltd., et al.,*  
No. 11-cv-01656;

3 *Interbond Corporation of America v. Hitachi,*  
4 *Ltd., et al.,* No. 11-cv-06275;

5 *Office Depot, Inc. v. Hitachi Ltd., et al.,* No.  
11-cv-06276;

6 *P.C. Richard & Son Long Island Corp., Marta*  
7 *Coooperative of Am., Inc., ABC Appliance,*  
*Inc. v. Hitachi, Ltd., et al.,* No. 12-cv-02648;

8 *Schultze Agency Services, LLC, on behalf of*  
9 *Tweeter Opco, LLC and Tweeter Newco, LLC*  
*v. Hitachi, Ltd., et al.,* No. 12-cv-02649;

10 *Sears, Roebuck and Co. and Kmart Corp. v.*  
11 *Chunghwa Picture Tubes, Ltd., et al.,* No. 11-  
cv-05514;

12 *Target Corp. v. Chunghwa Picture Tubes,*  
13 *Ltd., et al.,* No. 11-cv-05514;

14 *Tech Data Corp and Tech Data Product*  
15 *Management, Inc., v. Hitachi, Ltd., et al.,* No.  
13-cv-00157;

16 *ViewSonic Corp. v. Chunghwa Picture Tubes,*  
*Ltd., et al.,* No. 14-02510.

1 I, Helen C. Eckert, declare as follows:

2 1. I am an associate at the law firm of Sheppard Mullin Richter & Hampton LLP,  
3 counsel of record for Defendants Samsung SDI America, Inc.; Samsung SDI Co., Ltd.; Samsung  
4 SDI (Malaysia) SDN. Bhd.; Samsung SDI Mexico S.A. De C.V.; Samsung SDI Brasil Ltda.;  
5 Shenzhen Samsung SDI Co., Ltd.; and Tianjin Samsung SDI Co., Ltd. (collectively, "SDI"). I  
6 submit this declaration pursuant to Civil Local Rule 79-5(d) to establish that documents which  
7 reflect, contain, or analyze information designated "Confidential" and "Highly Confidential"  
8 pursuant to the Stipulated Protective Order and submitted to the Court in connection with SDI's  
9 Reply in Support of Their Motion to Exclude Expert Testimony of Dr. Stephan Haggard are  
10 sealable. Except for those matters stated on information and belief, about which I am informed  
11 and which I believe to be true, I have personal knowledge of the matters set forth herein and could  
12 and would testify competently to each of them.

13 2. SDI has disclosed or produced to the parties in this action certain documents and  
14 information designated as either "Confidential" or "Highly Confidential" pursuant to the  
15 Stipulated Protective Order entered on June 18, 2008 (Dkt. No. 306).

16 3. On February 9, 2015, SDI filed an Administrative Motion to Seal and lodged the  
17 following documents under seal pursuant to Civil Local Rules 7-11 and 79-5(d) and (e):

- 18 a. SDI's Reply in Support of Their Motion to Exclude Expert Testimony of  
19 Dr. Stephan Haggard ("Reply"); and
- 20 b. Exhibits A-C of the February 9, 2015 Declaration of James L. McGinnis in  
21 Support of SDI's Reply ("McGinnis Declaration").

22 4. Pursuant to Civil Local Rule 79-5(d), I make this declaration on SDI's behalf to  
23 provide the basis for the Court to maintain under seal certain documents and information  
24 designated by SDI as "Confidential" or "Highly Confidential" pursuant to the Protective Order,  
25 and all references to those documents and information in SDI's Reply.

26 5. Specifically, SDI requests the following documents to be maintained under seal: (1)  
27 Exhibit A to the McGinnis Declaration (Dr. Haggard's "SDI Personnel Profiles 1998-2007  
28

1 Workbook”); (2) Exhibit B to the McGinnis Declaration (Dr. Haggard’s “SDI-SEC Long Term  
2 Supply Contract, 1998-2001 Workbook”); and (c) SDI’s Reply.

3         6.         Exhibit A to the McGinnis Declaration is a copy of Dr. Haggard’s “SDI Personnel  
4 Profiles 1998-2007 Workbook,” which was originally included as supporting material to the April  
5 15, 2014 expert report of Dr. Haggard. The entirety of the Haggard Report, including Exhibit A,  
6 has been designated “Highly Confidential” under the Protective Order. Exhibit A contains, cites,  
7 identifies and/or compiles sensitive, private information regarding detailed employment histories  
8 of SDI employees. I am informed and believe that public disclosure of Exhibit A would likely  
9 invade the legitimate privacy rights and interests of these SDI employees. The Court previously  
10 sealed Exhibit A. (*See* Order Granting Administrative Motions For Leave to File Under Seal)  
11 (MDL Dkt. No. 3498) (granting administrative motions to seal, Dkt. Nos. 3407 and 3243).

12         7.         Exhibit B to the McGinnis Declaration is a copy of Dr. Haggard’s “SDI-SEC Long  
13 Term Supply Contract, 1998-2001 Workbook,” which was originally attached as supporting  
14 material to the April 15, 2014 expert report of Dr. Haggard. The entirety of the Haggard Report,  
15 including Exhibit B has been designated “Highly Confidential” under the Protective Order.  
16 Exhibit B contains, cites, identifies and/or compiles commercially-sensitive information about  
17 SDI’s contracts with specific customers, including sales volumes and percentages. I am informed  
18 and believe that public disclosure of Exhibit B would likely harm SDI in its commercial  
19 relationships. The Court previously sealed Exhibit B. (*See* Order Granting Administrative  
20 Motions For Leave to File Under Seal) (MDL Dkt. No. 3498) (granting administrative motions to  
21 seal, Dkt. Nos. 3243).

22         8.         SDI’s Reply reflects, contains, or refers to documents or information designated as  
23 “Confidential” or “Highly Confidential” by SDI pursuant to the Protective Order, including but  
24 not limited to Exhibits A-B of the McGinnis Declaration. In addition, SDI’s Reply also reflects,  
25 contains, or refers to the following documents or information designated as “Confidential” or  
26 “Highly Confidential” pursuant to the Protective Order:

27                 a.         Exhibit 1 to the December 5, 2014 Declaration of James L. McGinnis  
28 submitted in support of SDI’s Motion to Exclude Expert Testimony of Dr. Stephan Haggard which

1 is the April 15, 2014 expert report of Dr. Haggard (“Haggard Report”). The entirety of the  
2 Haggard Report has been designated “Highly Confidential” under the Protective Order. The  
3 Haggard Report reflects, contains, or analyzes confidential information concerning SDI’s business  
4 practices, corporate structure and governance, component cost information, sales strategy,  
5 customer relationships and employment histories of top personnel. The Haggard Report also  
6 includes excerpts from the transcript of the deposition of Jae In Lee, whom SDI designated as a  
7 Fed. R. Civ. P. 30(b)(6) witness. SDI designated these excerpts of the Jae In Lee deposition  
8 transcript “Highly Confidential” under the Protective Order, and these excerpts contain, cite and/or  
9 identify confidential information concerning SDI’s business practices, sales strategies and sales  
10 volume to specific customers, customer relationships, and CRT component cost information. The  
11 Haggard Report also reflects, contains, or analyzes SDI’s Responses to Dell Plaintiffs’ Second  
12 Set of Requests for Admissions (“SDI’s RFA Responses”), designated by SDI as “Confidential”  
13 under the Protective Order. SDI’s RFA Responses include confidential, nonpublic, and sensitive  
14 business information about SDI’s management structure, as well as the nonpublic employment  
15 histories of certain individuals at SDI. I am informed and believe that the above is highly  
16 sensitive information, public disclosure of which presents a risk of undermining SDI’s business  
17 relationships, causing SDI harm with respect to its competitors and customers, and/or  
18 competitively disadvantaging SDI. The Court previously sealed the Haggard Report. (*See* Order  
19 Granting Administrative Motions For Leave to File Under Seal) (MDL Dkt. No. 3498) (granting  
20 administrative motions to seal, Dkt. Nos. 2980, 3168, 3243, 3407).

21           b.       Exhibit 2 to the December 5, 2014 Declaration of James L. McGinnis  
22 submitted in support of SDI’s Motion to Exclude Expert Testimony of Dr. Stephan Haggard which  
23 consists of excerpts from the July 10, 2014 deposition of Dr. Stephan Haggard. SDI designated  
24 these excerpts of the deposition transcript “Highly Confidential” under the Protective Order.  
25 These excerpts identify sensitive information concerning SDI’s business practices, strategies,  
26 corporate structure, corporate governance, and customer relationships. They also identify  
27 sensitive information concerning Dr. Haggard’s methodology in analyzing purported corporate  
28 relationships between SDI, Samsung Electronics Co., Ltd., and the “Samsung Group.” I am

1 informed and believe that public disclosure of this sensitive and confidential information would  
2 present a risk of undermining SDI's business relationships, causing SDI harm with respect to its  
3 competitors and customers, and/or competitively disadvantaging SDI. The Court previously  
4 sealed these excerpts from the July 10, 2014 deposition of Dr. Haggard. (*See* Order Granting  
5 Administrative Motions For Leave to File Under Seal) (MDL Dkt. No. 3498) (granting  
6 administrative motions to seal, Dkt. Nos. 2980, 3168, and 3243).

7 c. SDI's Motion to Exclude Expert Testimony of Dr. Stephan Haggard, which  
8 in turn reflects, contains or refers to confidential information designated "Confidential" or "Highly  
9 Confidential" under the Protective Order, including the Haggard Report and excerpts of the July  
10 10, 2014 deposition of Dr. Haggard described above. The Court previously sealed SDI's Motion  
11 to Exclude Expert Testimony of Dr. Stephan Haggard. (*See* Order Granting Administrative  
12 Motions For Leave to File Under Seal) (MDL Dkt. No. 3498) (granting administrative motion to  
13 seal, Dkt. No. 3168).

14 d. Sealed portions of the Direct Action Plaintiffs' Response in Opposition to  
15 SDI's Motion to Exclude Expert Testimony of Dr. Stephan Haggard, which in turn reflects,  
16 contains or refers to confidential information designated "Confidential" or "Highly Confidential"  
17 under the Protective Order, including but not limited to the Haggard Report, excerpts of the July  
18 10, 2014 deposition of Dr. Haggard, and Exhibit A to the McGinnis Declaration described above.  
19 The Court previously sealed these portions of the Direct Action Plaintiffs' Response in Opposition  
20 to SDI's Motion to Exclude Expert Testimony of Dr. Stephan Haggard. (*See* Order Granting  
21 Administrative Motions For Leave to File Under Seal) (MDL Dkt. No. 3498) (granting  
22 administrative motion to seal, Dkt. No. 3407).

23 e. Sealed portions of the Direct Action Plaintiffs' Response in Opposition to  
24 SDI's Motion for Partial Summary Judgment for Lack of Standing as to their Sherman Act  
25 Damage Claims Based on CRT Product Purchases from Samsung Electronics, which in turn  
26 reflects, contains or refers to confidential information designated "Confidential" or "Highly  
27 Confidential" under the Protective Order, including but not limited to the Haggard Report,  
28 excerpts of the July 10, 2014 deposition of Dr. Haggard, and Exhibits A and B to the McGinnis

1 Declaration described above. The Court previously sealed these portions of the Direct Action  
2 Plaintiffs' Response in Opposition to SDI's Motion for Partial Summary Judgment for Lack of  
3 Standing as to their Sherman Act Damage Claims Based on CRT Product Purchases from  
4 Samsung Electronics. (*See* Order Granting Administrative Motions For Leave to File Under Seal)  
5 (MDL Dkt. No. 3498) (granting administrative motion to seal, Dkt. No. 3243).

6 f. As with the exhibits themselves, I understand that SDI considers any  
7 statements in SDI's Reply summarizing the exhibits or any other documents or information  
8 designated as "Confidential" or "Highly Confidential" by SDI to be confidential and proprietary,  
9 and that public disclosure of such information presents a risk of undermining SDI's business  
10 relationships, causing SDI harm with respect to its competitors and customers, and/or  
11 competitively disadvantaging SDI. Accordingly, SDI's Reply should be maintained under seal.

12 9. In addition, Exhibit C to the McGinnis Declaration is a copy of Supplemental  
13 Attachment A to Certain Direct Action Plaintiffs' Responses to Various Interrogatories, dated  
14 September 5, 2014, which was designated "Confidential" by certain Direct Action Plaintiffs.

15  
16 I declare under penalty of perjury under the laws of the United States of America  
17 that the foregoing is true and correct.

18 Executed this 9th day of February 2015 in Los Angeles, California.

19  
20 /s/ Helen C. Eckert

21 Helen C. Eckert  
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